DFO–2
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Supplement to

INFORMATION LETTER

NATIONAL CANNERS ASSOCIATION

No. 1333 Washington, D. C. April 21, 1951

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 2]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order, is, therefore, made effective pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong., approved September 8, 1950), Executive Order No. 10161 (15 F. R. 6105), Executive Order No. 10200 (16 F. R. 61), Defense Production Administration Delegation No. 1 (16 F. R. 738), and Secretary's Memorandum No. 1270, as amended (15 F. R. 6424; 16 F. R 2446). In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This order is designed to provide, to the extent possible, for making available an adequate supply of processed foods for the requirements of government agencies to meet military and essential civilian needs. It delegates to the Director, Fruit and Vegetable Branch, authority to issue orders designating processed foods to be subject to set asides, the quantities required to be set aside, and the conditions under which commodities shall be set aside. The Director is also authorized to require records and reports and designate authorized purchasers of set aside processed foods. Processors will be required to comply with all orders issued pursuant to this authorization.

Sec.

1. Definitions.
2. Restrictions.
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5. Records and reports.
6. Audits and inspections.
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8. Petition for relief from hardship.
9. Delegation of authority.
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11. Communications.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *Definitions.* (a) "Director" means the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of the United States Department of Agriculture authorized to act in his stead.

(b) "Processed food" means any preserved product (including but not being limited to a product that is canned, frozen, or pickled) that the Director may, from time to time, specify that is produced from any one or more fruits or vegetables or products thereof.

(c) "Processor" means any person engaged in the commercial production of any processed food.

(d) "Pack" means the total quantity of any particular processed food produced by any processor during such period as may be specified by the Director.

(e) "Government agency" means any Department, Board, Agency, Commission, or government-owned or government-controlled corporation of the United States as may be designated by the Director.

(f) "Person" includes any individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of the foregoing.

SEC. 2. *Restrictions.* (a) The set aside requirements of this order are not, and shall not be deemed to be, a contract or commitment by Government agencies to purchase any processed food unless and until a contract is entered into for that purpose.

(b) Each processor shall set aside and reserve for the requirements of Government agencies such quantities of the processed foods produced by such processor as the Director may from time to time specify. All processed foods so set aside and reserved shall, unless and until released by the Director, be held for delivery to Government agencies.

SEC. 3. *Authorization.* The Director is authorized whenever he determines that it is necessary or appropriate to promote the national defense:

(a) To specify the processed foods that are to be subject to the provisions of this order;

(b) To specify the respective quantities of the processed foods (including the types, styles, varieties, grades, and container sizes and types) that are required to be set aside and reserved, as aforesaid;

(c) To specify the respective packs that are to be used in computing the aforesaid quantities;

(d) To designate an authorized purchaser or purchasers for processed foods set aside and reserved, as aforesaid, for Government agencies; and

(e) To release at any time any processed food that is set aside and reserved, as aforesaid, if he determines that such processed food is not required for Government agencies, and to notify the applicable processors thereof of such release.

SEC. 4. *Contracts and other obligations.* The provisions of this order and requirements pursuant hereto shall be observed without regard to contracts or obligations heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

SEC. 5. *Records and reports.* (a) The Director shall be entitled to obtain such information from, and to require such reports and the keeping of such records by, any person as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the act and the provisions of this order.

(b) Every person subject to this order shall, for at least two years (or such other period of time as the Director may prescribe), maintain accurate records of his transactions in, and use of, processed foods.

SEC. 6. *Audits and inspections.* The Director shall be entitled to make such audit and inspection of the books, records, and other writings, premises, and stocks of processed foods of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the act and this order.

SEC. 7. *Violations.* Any person who violates any provision of this order, or requirement pursuant to this order, may be prohibited from receiving, making deliveries of, maintaining inventories of, and using processed foods. In addition, any person who wilfully violates any provision of this order, or requirement pursuant to this order, is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil actions may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order, or requirement pursuant to this order.

SEC. 8. *Petition for relief from hardship.* Any person affected by this order, or any requirement pursuant this order, who considers that compliance with this order would work an exceptional or unreasonable hardship on him, may file a petition for relief with the Director. Petitions shall be in writing and set forth all pertinent facts, the nature of the relief sought, and justification therefor. The Director may take such action with reference to the petition as he deems appropriate. If the petitioner is dissatisfied with the action taken by the Director on the petition, he shall obtain, by requesting the Director therefor, a review of such action by the Administrator. The Administrator, after the review, shall take such action as he deems appropriate and such action shall be final.

SEC. 9. *Delegation of authority.* The administration of this order and the powers vested in the Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of a Government agency any or all of the authority vested in him by this order.

SEC. 10. *Territorial scope.* The provisions of this order shall be applicable within the 48 States, the District of Columbia, and such territories and possessions as the Director may specify.

SEC. 11. *Communications.* All reports hereunder and all communications concerning this order shall, unless otherwise provided in this order or in instructions issued by the Director, be addressed to the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 12th day of April 1951, to become effective on 17th day of April 1951.

HAROLD K. HILL,
Deputy Administrator, Production and Marketing Administration.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 2, Sub-Order 1]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

SO1—CANNED VEGETABLES—SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order is, therefore, made effective pursuant to the authority vested in me by Defense Food Order No. 2. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This order names the canned vegetables which are required to be set aside out of the 1951 pack and reserved for procurement by Government agencies pursuant to Defense Food Order No. 2. In addition it provides a formula for determining the specific quantity of each canned vegetable to be set aside by each processor. This formula consists of the establishment for each processor of a "base pack", to which is applied a prescribed percentage stated in the order. The order prescribes a time schedule for processors to meet in accumulating the set-aside quantity as the packing season progresses. It also sets forth processors' reporting requirements. It designates the Quartermaster General, United States Department of the Army, and his designees as authorized purchasers of the canned vegetables so set aside and reserved.

The composition of the quantity of canned vegetables set aside under this order is not prescribed, but the order does indicate the preference of Government agencies with respect to type, style, grade, and container sizes and types for each canned vegetable.

The order does not apply to any processor whose aggregate set aside quotas for all canned vegetables amount to less than one carload.

Sec.
1. Definitions.
2. Canned vegetables to be set aside and reserved.
3. Stocks to be set aside.
4. Table I.
5. Exemptions.
6. Reports.
7. Designation of authorized purchasers.

AUTHORITY: Sections 1 to 7 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *Definitions.* (a) Each term defined in Defense Food Order No. 2, shall, when used herein, have the same meaning as set forth for such term in said Defense Food Order No. 2.

(b) "Canned vegetable" means each of the processed foods produced during the quota period and listed in Column A of Table I.

(c) "Table I" means Table I set forth in section 4 of this order.

(d) "Quota period" means the period beginning on January 1, 1951, and ending on December 31, 1951, both dates inclusive.

(e) "Quota period pack" means, with respect to any canned vegetable, the aggregate quantity of such canned vegetable produced during the quota period.

(f) "Base period" means the two-year period beginning on January 1, 1949, and ending on December 31, 1950, both dates inclusive.

(g) "Base pack" means:

(1) With respect to any canned vegetable produced by any processor during both calendar years of the base period, one-half the aggregate quantity of the canned vegetable so produced;

(2) With respect to any canned vegetable produced by any processor during only one calendar year of the base period, the aggregate quantity of the canned vegetable so produced; and

(3) With respect to any canned vegetable that was not produced by a processor during the base period, the quota period pack of such canned vegetable.

SEC. 2. *Canned vegetables to be set aside and reserved.* (a) The aggregate quantity of a particular canned vegetable that each processor is required, pursuant to Defense Food Order No. 2, to set aside and reserve for the requirements of Government agencies shall be the lesser of (1) the amount obtained by multiplying his base pack for such canned vegetable by the percentage listed therefor in Column B of Table I, or (2) his quota period pack of such canned vegetable. Such aggregate quantity shall be the quota for such processor for such canned vegetable.

(b) The canned vegetable quotas are not required to be of any special composition; however, Table I sets forth the preferences of Government agencies with respect to the types, styles, grades and container sizes and types for each of the canned vegetables.

SEC. 3. *Stocks to be set aside.* (a) Except as otherwise required, each processor shall set aside and reserve his quota of each canned vegetable in accordance with the following schedule:

(1) At least 50 percent of his quota not later than the date on which the processor's aggregate production of his quota period pack of the canned vegetable is in an amount equal to 40 percent of his base pack of such vegetable; and

(2) The balance of his quota not later than the date on which such processor's aggregate production of his quota period pack of such canned vegetable is in an amount equal to 80 percent of his base pack of such canned vegetable.

(b) With respect to each processor whose base pack of a particular canned vegetable is his quota period pack, in accordance with section 1 (g) (3), the foregoing percentages shall be applied to the respective processor's estimate of his base pack.

SEC. 4. *Table I—Canned vegetables: Set aside percentages and preferences with respect to style of pack, grade, and container sizes and types.*

Canned vegetables	Percentage of base pack	Style	Grade preference [1]		Preferred container sizes and types [2] (cans unless otherwise specified)
		Sequence denotes preference unless otherwise specified	First	Second	
(A)	(B)	(C)	(D)	(E)	(F)
Asparagus	12	1. Spears 2. Cut spears	U. S. Fancy	U. S. Std. Min., score 80 points [4]	2's
Beans, lima	25		U. S. Ext. Std.	U. S. Fancy	10's-2's.
Beans, green or wax [3]	14	Cut	U. S. Ext. Std. (round type).	U. S. Fancy (round type).	10's-2's.
Carrots	27	1. Sliced 2. Diced 3. Cut	U. S. Fancy	U. S. Std. Min. score 80 points. [5]	10's-2's.
Corn, sweet	15	Whole grain [6] Cream style [6]	U. S. Ext. Std.	U. S. Fancy	Whole grain, 10's-2's, No. 2 vacuum. Cream Style, 2's No. 3 tall.
Peas, green	15		U. S. Ext. Std	U. S. Fancy	10's-2's.
Pumpkin	17		U. S. Fancy		2½'s.
Sweetpotatoes	22	1. Whole and pieces 2. Whole	U. S. Fancy	U. S. Std. Min., score 80 points	2½'s- No.3 vacuum.
Tomatoes	20		U. S. Ext. Std. [5] or U. S. Fancy. [5]	U. S. Std. Min., score 70 points. [5] [7]	10's-2½'s-2's.

See footnotes at end of table.

Canned vegetables	Percentage of base pack	Style	Grade preference [1]		Preferred container sizes and types [2] (cans unless otherwise specified)
		Sequence denotes preference unless otherwise specified	First	Second	
(A)	(B)	(C)	(D)	(E)	(F)
Tomato catsup	16		U. S. Fancy 25% solids and over.[3]	U. S. Fancy, except 20-25% solids.[3]	10's-14 oz. bottles-2's.
Tomato paste	17		U. S. Fancy, medium conc.[7]	U. S. Fancy, light conc.[7]	10's-2½'s.

[1] Grades are those defined in applicable United States Standards.
[2] 75 percent of requirements are preferred in container sizes listed first.
[3] 75 percent of requirements are preferred in whole grain, and 25 percent cream style.
[4] First preference green beans.
[5] Type I as defined in Federal Specifications JJJ-T-571a.
[6] Type I as defined in Federal Specifications JJJ-C-91a.
[7] Type I as defined in Federal Specifications JJJ-T-579.
[8] With not less than 21 points for tenderness.
[9] With not less than 24 points for texture.
[10] With not less than 13 points for drained weight, 21 points for color, and 19 points for absence of defects.

SEC. 5. *Exemptions.* The provisions of this order shall not apply to any processor whose aggregate set aside quotas for all canned vegetables amount to less than one carload.

SEC. 6. *Reports*—(a) *Base period production.* Each processor shall file with the Director, within 30 days after the effective date of this order, accurate reports on DFO Form-3, showing the following information with respect to each canned vegetable produced by such processor during each year of the base period:

(1) Date; name and address of processor; and

(2) Total quantity, in terms of dozens of containers, by container types and sizes.

(b) *Quota period production.* Each processor who proposes to produce any canned vegetable during the quota period which he did not produce during the base period shall file with the Director, (1) within 30 days after the effective date of this order, a report on DFO Form-3 showing his estimate of his production of such canned vegetable during the quota period, and (2) within 10 days after the completion of his pack of such canned vegetable, an additional report on DFO Form-3 showing his actual production thereof during the quota period. Estimated production and actual production shall be shown on DFO Form-3 in the column headed "1950" by striking "1950" and substituting therefor "1951", and by marking the form "Estimate" or "Actual", as the case may be.

(c) *Time of filing.* Any report required to be filed pursuant to this order shall be deemed to be filed when it is post-marked, if mailed, or when it is received by the Director, if otherwise delivered.

SEC. 7. *Designation of authorized purchasers.* The Quartermaster General, United States Department of the Army, and each of his designees for such purpose are hereby designated as authorized purchasers of canned vegetables set aside and reserved hereunder, pursuant to Defense Food Order No. 2, for the requirements of Government agencies, in such amounts as are specifically approved by the Director.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

NOTE: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 13th day of April 1951.

S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

INSTRUCTIONS FOR FILING BASE PERIOD PACK REPORT

1. Two copies of this report shall be filed with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Washington 25, D. C., within 30 days after the effective date of Defense Food Order No. 2., Sub-Order No. 1.
2. Please type or print in ink.
3. Only products reserved under Defense Food Order No. 2, Sub-Order No. 1, or future amendments are to be reported on this form.
4. A separate report shall be prepared for each canned vegetable. If a processor packs a canned vegetable in more than one plant, a single report of total production in all plants shall be prepared for the canned vegetable.
5. Do not report dehydrated or cold-pack production.
6. REPORT THE PACK DATA IN DOZENS OF CANS OR JARS FOR EACH CONTAINER SIZE. DO NOT REPORT IN CASES.
7. Tin and glass packs of the same product shall be reported on the same form.
8. For all products to be reported give the total production combining all types, style, and varieties except:
   Tomatoes -- Prepare separate reports for Tomatoes and for each Tomato Product.
9. Processors who did not pack a canned vegetable subject to this Sub-Order in 1949 or 1950, but who plan to pack it in 1951 shall
   (a) within 30 days after the effective date of the Sub-Order, file this report as instructed above showing an estimate of 1951 production in the 1950 column. Change the column heading to read "1951 Estimated" instead of "1950"; and
   (b) within 10 days after completing the 1951 pack of the canned vegetable, file this report showing actual 1951 production in the 1950 column. Change the column heading to read "1951 Actual" instead of "1950".
10. Reports are deemed to be filed when they are postmarked if mailed, or when received by the Director, if otherwise delivered.

DFO Form-3 (4-13-51) U. S. DEPARTMENT OF AGRICULTURE PRODUCTION AND MARKETING ADMINISTRATION

BUDGET BUREAU NO. 40-S144
APPROVAL EXPIRES 5/31/52

BASE PERIOD PACK REPORT - CANNED VEGETABLES
(BY CONTAINER SIZE, PURSUANT TO DFO NO. 2)

DATE

NAME AND ADDRESS OF COMPANY (MAIN OFFICE)

INSTRUCTION - *Use separate report form for each canned vegetable as defined in the Order (See detailed instructions on reverse side)*

MAIL TO: DIRECTOR, FRUIT AND VEGETABLE BRANCH
PRODUCTION AND MARKETING ADMINISTRATION
U. S. DEPARTMENT OF AGRICULTURE
WASHINGTON 25, D. C.
REF. - DFO NO. 2, S.O. NO. 1.

PRODUCT COVERED BY REPORT	DATE PACKS COMPLETED		DATE RECEIVED (LEAVE BLANK)
	1949	1950	

CONTAINER TYPE AND SIZE	CAN SIZE DIMENSIONS	TAB. SYMBOL	PACK (IN DOZ. OF CANS OR JARS) 1949	PACK (IN DOZ. OF CANS OR JARS) 1950	LEAVE THESE COLUMNS BLANK		
TIN							
No. 10	603 by 700	39					
No. 3 Cylinder	404 by 700	35					
No. 2½	401 by 411	34					
No. 2 Cylinder	307 by 512	33					
No. 2	307 by 409	28					
No. 303	303 by 406	26					
No. 1 Picnic	211 by 400	14					
No. 8 ZT	211 by 304	12					
OTHER (SPECIFY):							
GLASS							
No. 2½ Jar		95					
No. 303 or 1 lb. Jar		94					
14 Oz.		90					
OTHER (SPECIFY)							

THIS IS A FACSIMILE NOT TO BE USED

The undersigned certifies that information contained in this report is correct and complete, to the best of his knowledge and belief.

(SIGNATURE OF AUTHORIZED OFFICIAL) (TITLE) (DATE)

(Over)

GPO—O—PMA DFO 2-3